Scott. BI-27—45.000—19-10-39.

Home

(1940) Department.

Ms **SERIES.**

G.O. No. 3403,

Dated 15th August 1940.

P.19
E

[Despatch Abstract.]

JAILS - Alipuram Jail, Bellary - R. Govinda Rao, ex-store-keeper - Security deposit - Withdrawal from the Post Office Savings Bank by the Superintendent, Central Jail, Bellary - Letter rrom the Postmaster-General communicated.

12619 c
25.4.40

JAIL DEPARTMENT.

From

Lieut-Col.S.C.Contractor,M.B.,I.M.S.,
Inspector-General of Prisons,
M a d r a s.

25 APR 1940 GOVT. DEPARTMENT

To

The Secretary to Government,
Home Department,
Fort St.George, Madras.

No.2448/A-2/39,dated 23rd April 1940.

Sir,

SUB: Audit - Central Jail,Bellary - Security Deposit of ex-Store Keeper R.Govinda Rao of the old Alipuram Jail,Bellary.

I have to report that the security deposit savings Bank Pass Book No.28065 of the ex-Store Keeper, R.Gominda Rao, pledged to the Superintendent, Alipuram Jail, Bellary has been lying undisposed of at the Central Jail, Bellary since a long time. The pledge is for a total sum of Rs.250/- (which is the prescribed limit for a lower division clerk). The store-keeper was paying his security deposit in monthly instalments as required by Rule 144, Jail Manual, Part II. The amount at credit on 22-5-1930 was Rs.197-9-8. The amount at credit on 1-4-1932 was Rs.215-14-0 when the Post Office treated it as dead account in the absence of further deposits for more than 4 years. The account has been revived since and the amount at credit on 1-4-1940 inclusive of interest is Rs.254-10-5.

2. In this connection, I invite a reference to the Government Order No.2045 Ms.,Law(General),dated 14-7-1934. The Government sanctioned the waiver of the recovery of the balance of Rs.9532-6-10 from the ex-store-keeper, R.Gominda Rao of the old Alipuram Jail, Bellary, decreed by the District Judge of Bellary on

the

the ground that it was not possible to make further recovery from the party. The existence of the security amount pledged to the Superintendent, Alipuram Jail, Bellary appears to have been lost sight of.

3. I request orders of Government authorizing the Superintendent, Central Jail, Bellary, the custodian of the records of the old Alipuram Jail, Bellary to withdraw only the sum of Rs.250/-, that is the total amount for which the account stands pledged to the Superintendent. The amount, if ordered to be withdrawn will be credited to Government towards the decree amount under 'XXII Jails and Convict Settlements - Jails - Miscellaneous". I may state that the Postal authorities may not allow the jail to withdraw the amount in excess of the pledged amount of Rs.250/-.

Lieut-Col., I.M.S.,
Inspector-General of Prisons.

Tss/2.4.4

5/6/5

3

Home Dept.

[CRO 12619]

Memo/ 12619 C-1 dt 6.5.40

Alipenam Gail

Bellary - Ex-Store Keeper Garnita Rao

- Security deposit - withdrawal of -

- Reg. letter from the Dy of

C.F

Prisons. No 2448/A-2/39 d 23.4.40

—

The Dy is requested to send for the perusal of the Govt the savings bank pass book (No 28065) of the ex-Store Keeper and the security bond executed by him.

PM
2.5.40

4/5

To the Dy of Prisons.

Dy Mg/5/40

C.F. 32 (a).

In reply, please quote number, date and short title.*

ASSISTANT SECRETARY TO GOVT. HOME C. P.

21 MAY 1940 Jail DEPARTMENT.

Received ..... Registered .....

4 C4 215 Tu

Rec'd 5.35 PM on 20/5

From (Name) Lieut-Col.S.C.Contractor,M.B.,I.M.S.,

(Designation) Inspector-General of Prisons,

Post Box ....., (Station) Madras.

Telegraphic Address .....

To

The Secretary to Government,
Home Department, Madras.

No. 2448/A2/39 *dated* 16th May *19*40.

Sir,

Ref:- Your Memorandum No.12619 C-1,Home,dated 6th May 1940.

(G)

The Savings Bank Pass Book No.28065 of R.Govinda Rao is sent herewith as ordered. It may please be returned when no longer required. The Superintendent reports that the security bond executed by Sri Govinda Rao is not available.

Enclosures ..... p-3 ante

one Savings Bank Pass Book No 28065

Spare Copies .....

R Govinda Rao
20.5.40

For Inspector-Genl.of Prisons.

Tss/20.5.

C.F. 32 (a).

JAIL DEPARTMENT.

In reply please quote number, date and short title.*

Received *Registered* 20173 C

From (Name) Lieut-Col.S.C.Contractor,M.B.,I.M.S.,

(Designation) Inspector-General of Prisons,

Post Box ....., (Station) Madras.

Telegraphic Address.....

To

The Secretary to Government,
Home Department, Madras.

No. 2448/A2/39 *dated* 15th July 1940.

Sir,

Sub:- Audit report - Central Jail, Bellary - Para 5 of the Appendix. - Security deposits of R. Ramiah & Co. - Ex state Ly. - Adj. Appn.

Ref:- This office letter No.2448/A2/39, dated 16-5-1940 sent in reply to Government Memorandum No. ~~12619-C-1,~~ dated 6-5-1940.

ENCLOSURES.....

SPARE COPIES (main file Sd. S.C. 16.7.40)

I request to be informed when the orders of the Government on the reference cited above may be expected.

16.7.40

For Inspector-Genl. of Prisons.

Tss/16.7.

6

Home Dept

Let / Reg. No. 12619C-4 of 19-7-40.

To

The Postmaster-General,
Madras
(with enclosures)

Sir,

Jail. Old Bellary Jail, Bellary - R. Govinda Rao, an ex-storekeeper - Security deposit.

I am directed to address you on the subject of the withdrawal of a sum of Rs 250/- (rupees two hundred and fifty) out of the amount standing to the credit of one R. Govinda Rao in the Post Office Savings Bank. His pass book no. 28065 is enclosed for reference and return. ~~In this connection I am to furnish the following particulars.~~

R. Govinda Rao was a storekeeper in the old Bellary Jail, Bellary. He executed a security bond for Rs 250/- indemnifying the Govt. against all loss and damage of the property of the Govt. left in his charge. The security was deducted from ~~the~~ his ~~pay in~~ monthly instalment

at 10% ~~of his pay~~ and the amount was deposited in the Post Office Savings account. ~~as quoted above~~. The pass book was mortgaged to the Supdt. of the jail.

Owing to certain irregularities in the jail leading to a shortage of raw and manufactured articles to the value of Rs 8445-15-8, the Storekeeper was dismissed from service. A decree for this amount and the costs was passed by the Dt Judge, Bellary; but only a sum of Rs 38-10-3 was realised by the sale of the property of Garib Rao, and recovery of the balance has waived by the Govt. The fact that there was a security deposit pledged to the Supt. of the jail was lost sight of at the time.

After his dismissal, the Savings Bank account became a dead account and it has been revived. The amount standing to his credit on 1.4.40 was Rs 254-10-5

The old Alipuram jail, Bellary, was abolished on 1.4.32 and the records of that jail were transferred to the Central jail, Bellary. ~~Among the records~~ The original bond executed by the ex-Storekeeper ~~was found~~ is cannot be traced. A copy of the form of bond is enclosed for reference. ~~missing~~. It is proposed to authorise the Supdt, Central Jail, Bellary, who is now the custodian of the records of the old Alipuram Jail, to withdraw the security amount of Rs 250/- and credit it to Govt. ~~towards the loss of Rs 8445-15-8~~.

2. In the circumstances explained

above, I am to request you to be ~~kind enough~~ so good as to issue instructions to the Postal authorities concerned permitting the withdrawal of the amount by the Supt of the C. Jail, Bellary.

I have etc.

11.7.40

14.7.40.

18/7

Copy with Dy of Prisons.

Dr. ... Vn
Dr. ... 1 ... 6
... 6-gar
Dr. ... 2.7.40
Loc ... 3

Corr.-40.

Indian Posts and Telegraphs Department.

REGD.

No.SB/MS.308.

22219 C
6-8-40

FROM

The Postmaster-General,
Madras Circle.

ASSISTANT SECRETARY TO GOVT. 6 AUG 1940 CHIEF SECRETARIAT

ASSISTANT SECRETARY TO GOVT. 6-AUG.1940 HOME DEPARTMENT

To

The Postmaster, Bellary.

Chief Secy
Home no

with 2 other papers. AS 6/8/40

Number of enclosures

Dated Madras, the 3rd August 1940. 19

Sub:- Security deposit account No. 28065 of Bellary.

On the authority of letter No. 12619 C-4, dated the 19th July 1940 of the Secretary to the Government of Madras, Home Department, (Copy enclosed) the Superintendent, Central Jail, Bellary is allowed to withdraw the sum of Rs.250/- from security deposit account No. 28065 standing in the name of Mr. R. Govinda Rao, which was pledged to the Superintendent, Alipuram Jail.

2. The pass book in question is sent herewith.

3. The date of payment should be reported.

(sd) K. S. SHEPPARD

for Postmaster-General

Doc. accg: Pass Book

No. SB/MS.308.

Copy to the Secretary to the Government of Madras for information with reference to his No. 12619 C-4 dated the 19th July 1940.

The Superintendent, Central Jail, Bellary may kindly be instructed to take payment of the amount.

for Postmaster-General

Doc. accg: nil

Lal Chand & Sons, Printers, Calcutta—No. 2073R (D.6)—1.5.39—6,00,000.

HOME (C) DEPARTMENT.

Jails - Central Jail, Bellary - Security deposit of ex-store keeper, R.Govinda Rao of the old Alipuram Jail, Bellary.

***

C.No.12619 C. From the I.G. of Prisons, 2448/A.2/39 dated 23.4.40.

R. Govinda Rao was a store-keeper (i.e. L.D. clerk) in the old Alipuram Jail, Bellary. In connection with certain irregularities noticed in the jail, leading to shortage of raw materials and manufactured articles, an enquiry was held and the store-keeper was dismissed from service. A civil suit was filed against him to recover the value of shortages. The Dt. Judge, Bellary passed a decree against him for the recovery of Rs.9571-1-1, Rs.8445-15-8 towards damages equivalent in value of the articles which were found missing and Rs.1115-1-5 towards the cost of the suit. Reference is invited to G.O.2045, L.G. dated 14.7.34 and the notes on pp.181-185 of that G.O. Govindarao evaded execution proceedings and at last filed an insolvency petition. His property was sold and a sum of Rs.38.10.3 was realised. The recovery of the balance of Rs.9532-6-10 was waived.

2. It is now reported that the ex-store-keeper furnished security with reference to rules 143-144 of the P.&.R. Manual and that the security was deducted from his pay in monthly instalments at 10 per cent of his pay. The security that was recoverable from him with reference to his pay was Rs.250. At the time he was dismissed, this amount does not appear to have been reached. After the store-keeper's dismissal, the savings bank book which was pledged to the Supdt. became a dead account. It seems to have been revived recently and the amount

2

at credit on 1.4.40 is Rs.254-10-5. The fact that there was a security deposit pledged to the Supdt. escaped the notice of the jail authorities at the time the question of recovery from the store-keeper of the loss caused to Govt. was under consideration. The Alipuram jail was abolished on 1.4.1932. The records of that jail are now in the custody of the Supdt. of the Central jail, Bellary.

3. The I.G. has now requested that the Supdt. of the C.J., Bellary should be authorised to withdraw from the savings bank account referred to, a sum of Rs.250/-, that is, the total amount for which the account stands pledged to the Supdt. and that the amount should be credited to the Jails budget. The proposal to draw Rs.250/- from the savings bank account and credit it to Govt. is not open to any objection. It is however, doubtful whether the postal authorities will agree to the amount being drawn by the Supdt., who is not the same as the one to whom the security deposit in the pass-book was pledged and that too without the consent of the depositor. Before the Govt. order sanctioning the withdrawal of the amount, it seems desirable to get the original security bond executed by the ex-storekeeper to see whether it will be legally possible for the Govt. to issue such orders. A draft memo. is submitted.

ASSISTANT SECRETARY
5 MAY 1940
HOME DEPARTMENT

2.5.40.

4/5

Issued as Memo to the Jl no 1261/C-1 d 6.5.40 p3CF

[C no 1510/5C] from the Jl. no 2448/A2/38 d 6.5.40 p4CF

(G) The D.G. has sent the savings bank pass book of the late ~~clerk~~ storekeeper Govinda Rao. He states that the original security bond executed by Govinda Rao is not available. The bond would have been executed in Form no 48-C printed on pp CLXXIII – CLXXV of the DW Civil Manual. It will be seen that 10 per cent of the ex-storekeeper's salary was deducted (until the amount so deposited reached the sum of Rs 250/-) "for the purpose of in part securing and indemnifying the said Secretary of State in Council, his successors and assigns against all loss and damage which he or they might or may in any way suffer by reason of the said property or any part or parts thereof being in any way consumed, wasted, embezzled, stolen, misspent, lost, misapplied or otherwise dishonestly, negligently or by or through oversight or violence made away or parted with by himself or any person acting for him".

p 4 C

A

see page 4

note 143.

The concluding paragraph of the bond provides that in the event of the death of the principal (the ex-storekeeper in this case) or vacation by him of his office, the cash security should be retained and remain with H

4.

but for the term of 6 months after the date of such death or such vacation as security against any loss or damage that might have been incurred. The ex-Postkeeper does not appear to have claimed the refund of his security money at any time. He was evading Court processes which were aimed at executing the Court's decree against him. Subject that it appears that the postal authorities will be agreeable to the refund of a sum of Rs 250/- if the circumstances are explained to them notwithstanding the loss of the original bond. For orders whether the Post Master General may be addressed in the matter and be requested to permit the Supt of the C. Gaol, Bellary to withdraw a sum of Rs 250/- from the S.B. account in Question.

Finance Standing Fee

the case for any remarks they may have to offer.

31/5

31/5/60

Home-110126196-1

4/6/60

Finance

M 2 to HC

21572 Ans.

Fin (Accts) Dept.

The facts of the case are explained in full in the note of the Home Dept. on pp 1-4 ante and the proposal of Home is to address the Postal authorities for the withdrawal of the sum of Rs 250/- being the security deposit of T. Govinda Rao ex-store-keeper.

p 4 ante

2 The point for consideration is whether the course suggested by Home can be resorted to. Under Art. 81 of M.F. & A.C. Vol I, security deposits shall be retained for at least six months from the date of vacation of office by the Govt. servant who deposited the security; but the security bond should be retained permanently or until it is certain that there is no further necessity for keeping it. In the present case the bond is missing and the deposit amount has not been claimed within six months. The security was furnished for indemnifying the Govt. against all loss. The Govt. have sustained heavy loss through the store-keeper and the security deposit can be forfeited, therefore, be proceeded against for the recovery of the loss. In the circumstances, there is no objection to the proposal of Home

p 43 of the book (not put up)

p 4 C F

cf p 3 ante

b

3 Home may be requested to consult the Legal Dept. also before addressing the Postal Dept.

16/6/40
OK
7.6.40.

Cas
16/6/40

Home

Fin no 21572 (Leg)
16/6/40

ASST STA. 17 JUN 1940

Home Dept.

The file may be sent to Legal for remarks as suggested by Finance

17/6

17.6.40.

19/6
Legal

No. 12619C-2
20/6/40

Legal Dept.

Will Home Dept. please put up a copy of the bond referred to at A on page 13 ante and oblige?

K.M.
24/6/40

SECRETARY TO GOVERNMENT 1940 LEGAL DEPARTMENT
ASST 4623 LEGAL DEPARTMENT

Home

Home Dept.

No. 12619C-3
27/6/40

The copy of the bond referred to is in Appendix IV of the Madras Civil Manual, 1928 edition (Pp. C(xxxiii) & C(xxxv)).

Legal 4463-1
24.6.40

The manual is put up and may be sent to Legal for reference and return.

25.6.40.

SECRETARY TO GOVERNMENT 1940 LEGAL DEPARTMENT
ASST 25 JUN 1940 TO GOVT.

Legal

25-6-40

Legal Department

See portion sidelined at page clxxv of the Jail Manual.

The bond contains an express provision giving full power to the Secretary of State in Council and his successors or assigns or his or their officers or servants duly authorised in that behalf, to apply the sum in the post office savings bank account, together with any interest receivable or received in respect thereof, in and towards the indemnity furnished by the bond. The Government have therefore power to apply the sum towards the indemnity straightaway and without recourse to any legal proceedings. It is true that a decree was obtained against the defaulter in respect of the loss caused by him, but the right conferred by the indemnity bond could have been enforced even without a suit, and this right cannot be taken away merely by reason of the passing of a decree. If however the Government exercise the rights conferred on them by the indemnity bond and recoup themselves, the decree obtained by them should be deemed to have been satisfied to the extent to which the Government so recoup themselves, and it will be the duty of the Government to bring the facts to the notice of the Court and enter such satisfaction. The decree in this case has however become barred by limitation as no steps have been taken to execute it since the year 1934 when the amount due under it was written off as irrecoverable. No question therefore arises here of entering partial satisfaction of the decree. There is no legal objection to the Government addressing the Postmaster-General and asking him to permit the withdrawal of a sum of Rs.250/- from the saving

bank account. The Government may, if the Postmaster-General so desires, undertake to indemnify him against all the consequences of such authorisation. It is not unlikely that the P.M.G. will ask for such an indemnity in this case, as the original indemnity bond executed by Govinda Rao is not available now.

ASSISTANT SECRETARY TO GOVERNMENT
7- JUL 1940
HOME DEPARTMENT

(21) C.F. 6673
-0

K. rol
4/7/40

Pa
5/7/40

S

Legal 46231
5.7.40
with gail Manual

Home

HOME SECRETARY
GOVT OF MADRAS
26 JUL 1940

Home Deptt

Please see the legal note above. A draft letter to the P.M.G. is sub. for approval.

10232 C
8/7

km
11.7.40
[illegible]
16.7.40

[illegible]
18/7

Issued as letter no. 12619C-4 of 19.7.40 [22219] from the P.M.G., Madras, No. SB/R.S. 308 of 3.8.40.

pp 6-8 CF
p-9 CF

Please see the letter on pp 6-8 CF and the P.M.G.'s reply on p-9 CF. The P.M.G. has permitted the withdrawal of the security amount. A draft order is sub. for approval. Finance may see before issue

ASSISTANT SECRETARY TO GOVERNMENT
9 - AUG 1940
FINANCE DEPT.

AW
29129 Ar

km
1.8.40
[illegible]
[illegible]
[illegible]
Fin.

Home no 12 619C-5
9.8.40
[illegible]

Finance (Accts)

[Previous Finance note on pp 5-6 ante].

The draft order may be perused and the file returned to Home.

10.8.40

12/8/40

Home

12/8/40

ASSISTANT SECRETARY TO GOVT. HOME DEPARTMENT 13 AUG 1940

Home Secy.

Very wise.

14/8/40.

14/8

22913C
13.8.40

AS

40/1578

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..	A. Sh. 16/8.	
When examined..		
When signed ..		
When despatched.		

Home Dept

SUBJECT:— Jails — ~~Sh~~ Aliparam Jail, Bellary — R. Govinda Rao, ex-Store keeper — Security deposit — Withdrawal of the sum of Rs 250/- from the Post Office Savings Bank account in his name by the Supdt., Central Jail, Bellary — Letter from the P.M.G. communicated.

(N) pp 186-187

READ AGAIN G.O. 2045 Law (JE), dated 16.7.34. 19.....

" " ..... " ..... 19.....

READ *ALSO*:—

p-1-2 CF No. 12619 C From the I.G. of Prisons, No. 2448/R2/39 dated 23-4- 1940.

p-1-2 CF " 15055 C " " " " 16-5- 1940.

p-2 CF " 22269 C " P.M.G., Madras " SB/M.S/306 " 3-8- 1940.

~~Resolution~~ Order ~~Roll.~~ Ms. No. 3403, dated 15. 8 1940.

p-9 CF

A copy of the letter from the Post master-General, Madras, read above is communicated to the I.G. of Prisons.

2. The sum of Rs 250/- withdrawn from the Post office Savings Bank accn No. 28065 standing in the name of R. Govindarao Shd. be credited to Govt. under the head "XXII-a- Jails & Convict Settlements — Jails Miscellaneous".

KB 7.8.40

7.8.40.

~~para 3 on p-2 CF~~

~~and~~ 'M' on p-188 (N)

SRA 16/8

The I.G. of Prisons (with a copy of p-9 CF)

The A.G. thro' Finance

The Finance Dept.

(Copy for file)